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February 25, 2015

VIA ECF

Hon. Andrew J. Peck, U.S.M.J.
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Courtroom 20D
New York, New York 10007

Re: *Rio Tinto plc v. Vale S.A., et al.*, Civil Action No. 14-cv-3042 (RMB) (AJP) (S.D.N.Y.)

Dear Judge Peck:

Plaintiff Rio Tinto's statement of position in yesterday's joint letter to the Court with respect to "Rio Tinto Document Production" contains an ambiguity which we assume is not intended. (*See* Dkt. No. 196 at 14). Rio Tinto states that with respect to Vale Request No. 21, it will produce "documents related to three potential transactions involving all of Simandou (Blocks 1-4)." (*Id.* (emphasis added).) Vale's document requests were not limited to transactions involving all of Simandou but included transactions involving any Block in Simandou. Rio Tinto's Amended Complaint alleges that defendants misappropriated Simandou Blocks 1 and 2 and seeks damages for the alleged theft of Blocks 1 and 2 (not 3 and 4). (Dkt. No. 83 ¶¶ 197, 215). Accordingly, Vale understands Rio Tinto will be producing documents relating to potential transactions involving any of the Simandou Blocks and not just transactions involving all of the Simandou Blocks. To the extent that Rio Tinto means to suggest that it will produce documents regarding potential transactions for either Blocks 1 and 2 only if they also involve the other Blocks (including Blocks 3 and 4), Vale did not agree and would never agree to that limitation. If our understanding is correct, the only dispute between the parties regarding Request No. 21 relates to the Chinalco Data Room.

Respectfully submitted,

/s/ Lewis J. Liman
Lewis J. Liman